

MAINE STATE LEGISLATURE

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M
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L.D. 1587

DATE: 11/20/95

(Filing No. H-671)

REPORT A
TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1148, L.D. 1587, Bill, "An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Appropriations and Allocations for Fiscal Years 1995-96 and 1996-97"

Amend the bill by striking out the title and substituting the following:

'An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Allocations for Fiscal Years 1995-96 and 1996-97'

Further amend the bill in Part A, in section 1 in the first part designated "Highway and Bridge Improvement" in the 26th line (page 3, line 44 in L.D.) by striking out the following: "II" and inserting in its place the following: 'I'

Further amend the bill in Part A, in section 2 by striking out the last 4 lines (page 12, line 2 to 6 in L.D.) and inserting in their place the following:

DEPARTMENT OF TRANSPORTATION	_____	_____
TOTAL	(63,729)	(75,891)
SECTION A-2	_____	_____
TOTAL ALLOCATIONS	(63,729)	(75,891)'

Further amend the bill by striking out all of Part C and inserting in its place the following:

COMMITTEE AMENDMENT

PART C

2
4 Sec. C-1. 23 MRSA §1961, sub-§2, as repealed and replaced by PL 1993, c. 680, Pt. A, §24, is amended to read:

6 2. Cooperation with the Department of Transportation. The
8 Department of Transportation must be provided each year the
operating surplus of the Maine Turnpike Authority. The Maine
10 Turnpike Authority may issue bonds or other obligations to pay
for Department of Transportation projects. These amounts are
12 considered necessary for use by the department for construction,
reconstruction, operation and maintenance of all roads on the
14 state highway system, which serve and benefit users of the
turnpike by providing direct and indirect access to and from the
16 turnpike as part of the integrated highway system. Due to the
utilization of the state highway system by users of the turnpike,
18 the turnpike and its users have received and will continue to
receive a benefit from, or have caused and will continue to
20 cause, or both, the State acting by and through the Department of
Transportation to incur costs for the construction, operation and
22 maintenance of the state highway system, which provides direct
and indirect access to and from the turnpike to areas in the
24 State for which the State may properly be and should be
compensated from the tolls to be collected. The Maine Turnpike
26 Authority should be maintained to carry out the purposes of this
chapter in cooperation with the Department of Transportation.

28 Sec. C-2. 23 MRSA §1964, sub-§4-A is enacted to read:

30 4-A. Department of Transportation project. "Department of
32 Transportation project" means the rehabilitation, reconstruction
or construction of any highway or bridge on the state highway
34 system determined by the department and the authority to have a
sufficient relationship to the public's use of the turnpike in
accordance with section 1974, subsection 6.

36
38 Sec. C-3. 23 MRSA §1964, sub-§6-A, as enacted by IB 1991, c. 1, §4, is amended to read:

40 6-A. Operating surplus. "Operating surplus" means the
42 total annual operating revenues of the Maine Turnpike Authority,
after money has been put aside to pay the reasonable operating
44 expenses and to meet the requirements of any resolution
authorizing bonds of the Maine Turnpike Authority, including any
46 amounts pledged to secure obligations issued pursuant to section
1968, subsection 2-A or to pay principal, interest or premium, if
any, with respect to these obligations.

48
50 Sec. C-4. 23 MRSA §1965, sub-§1, ¶¶O-1 and O-2 are enacted to read:

2 O-1. Provide for an annual amount not to exceed a maximum
4 of \$4,700,000 to secure obligations issued pursuant to
6 section 1968, subsection 2-A or to pay principal, interest
8 or premium, if any, with respect to these obligations, after
money has been set aside or adequate provision has been made
to pay operating expenses and to meet the requirements of
any resolution authorizing revenue bonds of the authority;

10 O-2. Make a contract or enter into an agreement with or
12 provide certifications and assurances to the Department of
14 Transportation, or any other 3rd party, necessary in
16 connection with the determination of Department of
18 Transportation projects, the issuance of bonds or other
obligations pursuant to section 1968, subsection 2-A, the
pledge of revenues to the payment of these bonds or
obligations or the payment of the costs or a portion of the
costs of Department of Transportation projects;

20 **Sec. C-5. 23 MRSA §1968, sub-§2-A is enacted to read:**

22 **2-A. Bonds for Department of Transportation projects.** In
24 addition to bonds outstanding pursuant to subsections 1 and 2,
26 the authority may provide by resolution from time to time but no
28 later than June 30, 1997 for the issuance of special obligation
30 bonds, including notes or other evidences of indebtedness or
32 obligations defined to be bonds under this chapter, not exceeding
34 \$40,000,000 in aggregate principal amount exclusive of
refundings, to pay to the Department of Transportation the costs,
or a portion of the costs, of Department of Transportation
projects. Department of Transportation projects paid for with
bonds in accordance with this subsection must be determined by
the Department of Transportation and the authority to have
sufficient relationship to the public's use of the turnpike in
accordance with section 1974, subsection 6.

36 **Sec. C-6. 23 MRSA §1969, sub-§1, ¶A, as enacted by PL 1981, c.**
38 **595, §3, is amended to read:**

40 A. To the payment of the cost of the construction and
42 reconstruction of the turnpike or to the payment to the
44 Department of Transportation of the cost of Department of
Transportation projects;

46 **Sec. C-7. 23 MRSA §1974, sub-§6 is enacted to read:**

48 **6. Revenues to secure special obligation bonds for**
Department of Transportation projects; determination of project
eligibility for funding. Subject to the terms and conditions of
50 this chapter, the authority may authorize turnpike revenues to be

2 transferred to a trustee or agent designated by the authority and
3 that trustee or agent shall hold these revenues in trust to
4 secure or to be applied to the payment of obligations issued
5 pursuant to section 1968, subsection 2-A and as provided for in a
6 resolution authorizing the issuance of these bonds or in a
7 related trust indenture or loan or other security agreement.

8 The Department of Transportation shall provide the authority with
9 a list of proposed Department of Transportation projects and any
10 other information requested by the authority and relating to a
11 project on the list. The Department of Transportation and the
12 authority shall determine Department of Transportation projects
13 that are eligible for funding with proceeds from bonds authorized
14 by section 1968, subsection 2-A. In making this determination,
15 the department and the authority may consider the following
16 factors:

17 A. The existing access roads and the state highway system;

18 B. The traffic impact of the maintenance, construction or
19 reconstruction on the existing road network;

20 C. The total cost of the state highway system;

21 D. The probable change in departmental expenditures
22 resulting from maintenance, construction or reconstruction
23 of the project;

24 E. The relative number of vehicles using or expected to use
25 the project on the way to or from the turnpike;

26 F. The road distance or average road distance of the
27 project or portions of the project from the nearest entrance
28 to or exit from the turnpike;

29 G. The effect that maintenance, construction or
30 reconstruction will have on the flow of traffic to, from and
31 on the turnpike and in diverting vehicular traffic off or
32 away from the turnpike;

33 H. The proportionate usage of the state highway system by
34 vehicles using the turnpike and vehicles not using the
35 turnpike;

36 I. Vehicle classification and travel characteristics;

37 J. Origins and destinations of trips;

38 K. Fuel type and consumption;

39

2 L. Existing sources of revenue; and

4 M. Any other factors considered relevant, including, but not limited to, expert opinion.

6 **Sec. C-8. 23 MRSA §4206, sub-§1, ¶M,** as amended by PL 1983, c. 477, Pt. E, sub-pt. 26, §8, is further amended to read:

8 M. Acting upon the advice of the State Tax Assessor, to
10 negotiate a compact with other states, the District of
12 Columbia and Canadian provinces for the administration of
14 user license fees on condition that the compact provides
16 for:

18 (1) The collection of the annual user license fee for
20 any other state or province by the state or province in
22 which the motor truck is registered;

24 (2) The disbursement of revenues due to other states
26 or provinces subject to the compact;

28 (3) The free exchange of information between and among
30 the states or provinces subject to the compact; and

32 (4) The establishment of identification tags or
34 decals.

36 The compact shall ~~shall~~ must provide for reciprocal enforcement of
38 the laws establishing the annual user license fees and for
40 the auditing of all books, records and logs of the operator
42 of a motor truck by the state or province in which the motor
44 truck is registered, which pertains to travel in it and any
46 other state or province subject to the compact, ; and

48 **Sec. C-9. 23 MRSA §4206, sub-§1, ¶N** is enacted to read:

50 N. To make contracts and enter into agreements with and
52 make assurances and certifications to the Maine Turnpike
Authority, and other 3rd parties, necessary in connection
with determination of Department of Transportation projects
and the issuance of bonds or obligations pursuant to section
1968, subsection 2-A.

54 **Sec. C-10. Provisions of the Maine Revised Statutes, Title 23, section**
56 **1974, former subsection 4.** For purposes of any resolution initially
58 adopted prior to December 20, 1991, the Maine Revised Statutes,
60 Title 23, section 1974, subsection 6 governs rather than Title
62 23, section 1974, former subsection 4.'

64 Further amend the bill by striking out all of the fiscal
66 note and inserting in its place the following:

R 0.8

COMMITTEE AMENDMENT "A" to H.P. 1148, L.D. 1587

FISCAL NOTE

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	1995-96	1996-97	BIENNIUM
APPROPRIATIONS/ALLOCATIONS			
Highway Fund			
PART A, Section A-1	33,107,164	6,083,568	39,190,732
HIGHWAY FUND, TOTAL	33,107,164	6,083,568	39,190,732
Federal Expenditures Fund			
PART A, Section A-2	(63,729)	(75,891)	(139,620)
FEDERAL EXPENDITURES FUND, TOTAL	(63,729)	(75,891)	(139,620)
Highway Garage Fund			
PART A, Section A-3	(180,621)	(188,717)	(369,338)
HIGHWAY GARAGE FUND, TOTAL	(180,621)	(188,717)	(369,338)

HIGHWAY FUND UNDEDICATED REVENUES

	1995-96	BIENNIUM
PART A		
Section A-1, Transportation	34,000,000	34,000,000
HIGHWAY FUND UNDEDICATED REVENUE, TOTAL	34,000,000	34,000,000

The balance carried forward from fiscal year 1994-95 of \$12,254,051 is sufficient to cover the difference between the increase of Highway Fund allocations and Highway Fund revenue in fiscal years 1995-96 and 1996-97 and a balanced budget is maintained.

This bill will result in future losses of Highway Fund revenue of \$4,700,000 annually for 10 years beginning in fiscal year 1997-98.'

STATEMENT OF FACT

This amendment is the majority report.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 1148, L.D. 1587

2 This amendment requires special obligation bonds to be
4 issued no later than June 30, 1997. It clarifies the process by
6 which the Department of Transportation and the Maine Turnpike
8 Authority determine projects eligible for funding from this
10 source. It adds a section of unallocated law to state that the
 provisions of the Maine Revised Statutes, Title 23, section 1974,
 former subsection 4 are reflected in Title 23, section 1974,
 subsection 6 for purposes of any resolution initially adopted
 prior to the repeal of subsection 4. It also makes technical
 changes to the bill.